THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 5609 of 2007

Date:22-03-2007

Between:

P.Somasunder **.. PETITIONER**

AND

The Superintendent of Police, Kurnool and another
.. RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the 2nd respondent in summoning the petitioner to the police station time and again and extending threats to implicate him and his family members in false criminal cases without there being any complaint, as illegal and arbitrary.

2. It is stated that the petitioner and his friends established a firm in the name and style of M/s. Chinni Commercial Corporation, Nandyal for doing financial business and in connection with the said financial business the second respondent illegally detained the petitioner in the police station in the month of December, 2005 and on issuing the telegram about the illegal detention of the petitioner to the Hon'ble Chief Justice and the Human Rights Commission, the illegal action has been dropped. It is stated that thereafter the second respondent sent two constables viz. Raju and Jilani Basha on 20.02.2007 to the business place of the petitioner and summoned the petitioner and when he went to police station, he was made to sit in the police station hours together threatening to pay illegal gratification. It is further stated that on 05.03.2007 and 08.03.2007 the second respondent deputed the said constables in front of his residence and illegally harassing the petitioner mentally and physically making him to spent sleepless nights. It is further stated that when the petitioner wanted to approach the first respondent-Superintendent of Police on 14.03.2007, he was not permitted to meet the first respondent.

3. Nothing prevented the petitioner to make a written representation before the Superintendent of Police narrating the aforesaid facts. If the said allegations are true and correct, they will not only constitute criminal acts but also the second respondent liable for disciplinary proceedings. Without making any such written

representation to the Superintendent of Police, the writ petition cannot be entertained.

The writ petition is accordingly dismissed with liberty to make a representation before the Superintendent of Police and on such representation; the first respondent shall take appropriate immediate action in accordance with law. There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:22.03.2007
CCM